

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CARLYLE PHILLIP,)	
)	Civil Action No. 04-11896-MLW
Petitioner,)	
)	
v.)	
)	
IMMIGRATION AND NATURALIZATION)	
SERVICE,)	
)	
Respondent.)	

RESPONDENT'S MOTION TO RECONSIDER
ORDER DATED SEPTEMBER 16, 2005, FOR GUIDANCE ON
WHETHER TO SEEK PETITIONER'S RETURN TO THE UNITED STATES,
AND FOR ADDITIONAL TIME TO RESPOND TO THE ORDER

The Respondent Department of Homeland Security, Immigration and Customs Enforcement,¹ respectfully moves this Court for reconsideration of its September 16, 2005, Order. The Respondent requests that the Court (a) amend the Order to refer only to potential civil contempt proceedings, (b) vacate the court's determination that the pending motions (Docket Nos. 3 and 6) are moot, and (c) provide guidance to the government on whether to attempt to locate the Petitioner and bring him back to the

¹ The official of the Department of Homeland Security responsible for enforcement of Petitioner's removal order in the instant action is Bruce Chadbourne, Field Office Director for Detention and Removal, Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts. The official with custody of Petitioner prior to his removal was Thomas M. Hodgson, Sheriff.

United States if he so desires. The government also requests that it be allowed to and until 14 days after a ruling on this motion in which to respond to the Order. The grounds for this motion are set forth in the accompanying memorandum.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ George B. Henderson, II
George B. Henderson, II
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Dated: September 23, 2005

CERTIFICATION

The undersigned counsel states that he has not conferred with the pro se petitioner because LR 7.1(a)(2) requires "counsel" to confer and therefore does not apply when a party proceeds pro se. To the extent LR 7.1(a)(2) applies, it is requested compliance be excused here.

/s/ George B. Henderson, II
George B. Henderson, II

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on September 23, 2005, at petitioner's most recently provided United States address outside of confinement:

Carlyle Phillip
c/o Kelvin Quamina
280 Malden Street
Springfield, MA 01108

/s/ George B. Henderson, II
George B. Henderson, II
Assistant U.S. Attorney